

Application No. ZA-20-171 9-20  
 Date of Filing 5/26/20

Application Fee \$ 250.00  
 Escrow \$ 500.00

**RECEIVED**

MAY 26 2020

PLANNING / ZONING / ENGINEERING  
 TWP. OF BERKELEY HGTS, NJ

**APPLICATION TO ZONING BOARD OF ADJUSTMENT, Berkeley Heights, NJ**

NOTE: It is the responsibility of the applicant to specify in this application all requests for relief from any section of the ordinance that may be needed. Should any unspecified violation be found prior to or during the course of a public hearing, no such relief can be granted and the case cannot be permitted to proceed without re-advertising the notices. If the failure is not discovered by the Board until it commences its deliberation after closing the public hearing, the result may be a denial of the entire application, or the grant or recommendation that the variance be granted limited to the specific relief requested, which will result in the necessity for a re-application to obtain the remaining relief required.

In the matter of the petition of Lisa Hernandez for relief from the strict application of the provisions of the Zoning Ordinance of the Township of Berkeley Heights.

Petitioner Name Lisa Hernandez residing at 47 Cromwell Court  
 Telephone No. (585) 451-2552 Fed.ID# (if applicable) NA

1. Petitioner is Lisa Hernandez of property at 47 Cromwell Ct. Block 1602, Lot 9 on the Tax Map located in the R-15 Zone.

2. The Petitioner is requesting to use the property in the following manner with the following variances required:  
Install above ground swimming pool needing coverage relief from "other" and total lot coverage. Requesting pool height of 52" where maximum 48" is allowed

3. Does the Application concern a request for Certificate of Nonconformity? NO  
 Does the Application concern a Use Variance? NO and: a) Site Plan NO b) Subdivision NO

NOTE: If Application concerns site plan or subdivision, appropriate plans and additional forms must be filed with the Zoning Board of Adjustment as an additional part of the Application.

4. The proposed building/subdivision/use is contrary to Article 6.1 Section 3.1 6.1.1B 3.1.7D of the Zoning Ordinance.

5. a. Description of the Property:

	Required See Attached Schedule 6.1.1B	Existing	Proposed	Variance Required: Y/N
Lot Area (sq. ft.)	15,000	12,156	12,156	non conforming
Lot Width	100'	90'	90'	non conforming
Lot Depth	138'	150'	150'	N
Front Setback	50	45'	45'	N (case 16-90)
Side Setback	12	13.09'	13.09'	N
Side Setback	18	12.45'	12.45'	non conforming
Combined side setbacks	30'	25.54'	25.54'	non conforming
Rear Setback	40'	51'	51'	N

b. NOTE: DO NOT INCLUDE DECK IN THIS SECTION:

- 1-Area of existing structures (house, attached garage, covered porch) to remain 2076 sq. ft.
- 2-Area of proposed structures (house, attached garage, covered porch) 0 sq.ft.
- 3- Total area to be occupied by structures 2076 sq.ft.
- 4-Area of existing Accessory Items (detached garage, patio, driveways, walks, pool, shed) 1260 sq.ft.
- 5-Area of proposed Accessory Items (detached garage, patio, driveway, walks, pool, shed) 450 sq.ft.
- 6-Total area to be occupied by Accessory Items 1710 sq.ft.
- 7-TOTAL AREA OF EXISTING STRUCTURES AND ACCESSORY ITEMS 3336 sq.ft.
- 8-TOTAL AREA OF EXISTING & PROPOSED STRUCTURES & ACCESSORY ITEMS 3786 sq.ft.

c. Accessory structures (if applicable): above ground pool  
(type: shed, deck pool, etc.)

Area proposed 450 (30x15') square feet

Maximum height proposed 52" feet

Proposed Set Backs

Side 27' Side 20' Rear 26'

d. Coverage (from 5.b., Page 1)

Existing structures (Item 1/sq.ft. of lot)	<u>17.08</u>	percent
Existing accessory items (Item 4/sq.ft. of lot)	<u>10.36</u>	percent
Total existing lot coverage	<u>27.44</u>	percent
Total existing impervious (Item 1 + Item 4/sq. ft. of lot)	<u>27.44</u>	percent
Proposed structures (Items 1 + 2/sq. ft. of lot)	<u>17.08</u>	percent
Proposed accessory items (Items 4 + 5/sq. ft. of lot)	<u>14.07</u>	percent
Total proposed lot coverage	<u>31.15</u>	percent
Total proposed impervious (Items 1+2+4+5/sq. ft. of lot)	<u>31.15</u>	percent

R-15/20 Zone	Maximum Allowed	
	R-15/20 Zone	R-10 Zone
15%	15%	20%
10%	10%	10%
25%	25%	30%
25%	25%	30%
15%	15%	20%
10%	10%	10%
25%	25%	30%
25%	25%	30%

6. Has there been a previous petition for relief involving the property? yes (If yes, attach Resolution.)

7. Facts in support of petitioner's relief:  
No conforming undersized lot not allowing percentages to be met. Required setbacks comply would like to have at home family enjoyment with a pool that is appropriately sized for space/yard especially in light of circumstances with restricted activities.

8. Set forth the particular Statute under which this Application is made (NJSA 40:55D-70)  
a) Appeal \_\_\_\_\_ b) Interpretation \_\_\_\_\_ c) Hardship X d) Use activities

9. Has the Building or Zoning Department examined the plans for the proposed building and refused a building permit? yes If Yes, please attach the Zoning Officer's Denial letter.

10. If the property is not owner occupied, name the Lessee and Use of the existing building and premises  
NA

If the property is not to be owner occupied, name the Lessee and the proposed Use of the building and premises.  
NA

11. Attach hereto and made a part hereof are the following:

- a) Complete set of plans of any proposed building alteration or extension, including all Items set forth in instructions
- b) 200-foot radius map and copy of certified list (provided by the Township) of property owners within 200 feet
- c) Architectural plans or equivalent

I hereby certify that the above statements made by me and the statements contained in the papers submitted herewith are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Lisa S Hernandez  
 Petitioner Signature  
47 Cromwell Court  
 Address  
Berkley Heights, NJ 07922  
(908) 464-1964 (585) 451-2552  
 Phone Cell Phone  
lisa.s.hernandez@gmail.com  
 E-Mail Address



Berkeley Heights Township  
 ZONING & ENGINEERING  
 29 PARK AVE  
 BERKELEY HEIGHTS, NJ 07922  
 908-464-2700, 2115  
 TBOCKO@BHTWP.COM

Application Date: 5/19/2020  
 Application Number: ZA-20-171  
 Permit Number: \_\_\_\_\_  
 Project Number: \_\_\_\_\_  
 Fee: \$0

# Denial of Application

Date: 5/19/2020

To: HERNANDEZ, DARIO & LISA  
 47 CROMWELL COURT  
 BERKELEY HEIGHTS, NJ 07922

CC:

RE: 47 CROMWELL CT  
 BLOCK: 1602 LOT: 9 QUAL: ZONE: R-15

DEAR HERNANDEZ, DARIO & LISA,

Your request is hereby denied based upon the following requirements:

The property owner is proposing to install an above ground pool, 30' x 15' x 52 inches high, in location as shown on survey map submitted with the zoning application. Section 6.1.1B Schedule of General Regulations of the Municipal Land Use Procedures Ordinance; "Other" coverage percentages allowed in the R-15 zone are 10% of the lot area, where nonconforming 10.36% is existing and 14.07% is proposed. Total lot coverage allowed is 25% of the lot area, where nonconforming 27.44% is existing and 31.15% is proposed.

**Section 3.1.7 - Swimming and Wading Pools**

D.Height. No swimming pool, wading pool or appurtenances thereto, nor any structures used in conjunction with the pool, including, but not limited to, decks, walkways or platforms, shall exceed four (4) feet in height above the existing grade at the pool site. The pool height is listed as 52".

I.Capacity. Any swimming pool constructed above the existing grade shall not exceed the maximum capacity of fourteen thousand (14,000) gallons of water. No capacity of the pool has been provided.

Nonconforming: lot area, lot width, principal front yard setback (variance issued; case #16-90), combined sideyard setback, existing building, other and total lot coverage.

FEMA Flood Zone Determination - Panel 16F Zone X & AE; (A portion of the property appears to be located in the AE 100 year flood hazard zone. NJDEP Land Use Regulations N.J.A.C. 7:13-7.21 Permit-by-rule 21 - construction of a swimming pool associated with residential use may apply.)

You have a right to appeal this determination to the Berkeley Heights Zoning Board of Adjustment. Please call Connie Valenti at 908-464-2700, ext., 2124.

Sincerely,

Thomas A. Bocko, Zoning Officer

Job No. 2001-96

50' R.O.W.

# CROMWELL COURT

A=51.94'  
R=450.00'  
B=S17°00'25"E  
C=51.91'

S13°42'00"E  
37.91'

P.O.B.

## RECEIVED

MAY 26 2020

PLANNING / ZONING / ENGINEERING  
TWP. OF BERKELEY HGTS. NJ

P.M. LOT 10  
P.M. LOT 8-211

N69°41'11"E  
147.99'

S76°18'00"W  
150.00'

P.M. LOT 8  
P.M. LOT 8-215

2 STORY  
FRAME DWELLING  
No. 47

1 STORY

pool

TAX LOT 9  
BLOCK 1602  
12,168± S.F.  
0.279± AC.

MACADAM DRIVE  
INLET  
CONC. WALK  
PAVERS  
PORCH  
CANT.

WOOD DECK

SCREEN PORCH

FENCE 3.3' IN

FENCE 3.5' OUT

FENCE 0.1' IN

FENCE 11.9' OUT

WOOD FENCE

N13°42'00"W  
72.69'

EXEMPTED  
TOWNSHIP OF  
BERKELEY HEIGHTS

DRAINAGE  
AREA

**JAMES P. DEADY SURVEYOR, LLC**  
PROFESSIONAL LAND SURVEYING and PLANNING  
(908) 234-9296 P.O. BOX 942  
(908) 234-2165 FAX FAR HILLS, N.J.  
admin@deadysurveying.com 07931

REVISIONS	DATE	Scale: 1"=30'
		Date: 06/21/10
		Dwn. By: M.M.
		Chk'd By: J.C.R.

SURVEY  
of  
**TAX LOT 9-BLOCK 1602**  
LOCATED IN THE  
**TOWNSHIP OF BERKELEY HEIGHTS**  
**UNION COUNTY, NEW JERSEY**

BY: *John C. Ritt*

Township of Berkeley Heights

Township Official

General Construction and Design & Grounds and Landscaping Considerations

<u>Applicant</u>	<u>Reviewed</u>	<u>Item</u>
(✓)	( )	Consider the orientation and design to maximize passive solar heat/cooling. For example, orient the building along its east-west axis to have a larger surface exposure to the south, and use deciduous vegetation to block the sun in the summer months and maximize light and heat in the winter months.
(✓)	( )	Minimize disturbance to soils and vegetation. Use proper planning to protect vegetation during construction and prevent damage to surrounding areas.
(✓)	( )	Create landscapes that use native plantings to limit the need for lawn chemicals and maintenance (mowing, trimming, watering). Consider using captured rainwater (rain barrel) or recycled grey water for irrigation.
(✓)	( )	Recycle and/or salvage non-hazardous construction and demolition debris.
(✓)	( )	Consider the use of renewable building materials and products. Consider choosing products with low VOCs and avoid products that contain hazardous chemicals (i.e. formaldehyde, cyanide).
(✓)	( )	The use of local construction companies and products (i.e. local and sustainable woods) is recommended.
(✓)	(NA)	Where practicable, place parking spaces in shaded areas and consider using paving materials with an SRI value >29 (this will reflect, not absorb solar heat).

### Storm Water Management Considerations

<u>Applicant</u>	<u>Reviewed</u>	<u>Item</u>
(✓)	( )	Consider limiting impervious surfaces such as use of an open grid pavement system (at least 50% pervious).
(✓)	( )	Consider reducing impervious cover to promote infiltration that captures and treats storm water runoff from rainfall.
(✓)	( )	Consider avoiding runoff to other properties by installing an underground cistern or rain garden. This will keep water on your own property and out of the sewer.

### Energy & Lighting Considerations

<u>Applicant</u>	<u>Reviewed</u>	<u>Item</u>
(✓)	NA	Consider providing natural daytime lighting as much as possible with skylights or solo tubes. Consider using triple-pane windows, with protection against sun damage.
(✓)	( )	Consider choosing energy-efficient light bulbs. Use solar lighting outdoors.
(✓)	( )	Consider use of motion sensor lighting where applicable. In commercial/industrial settings consider use of sensor controls.
(✓)	( )	Conserve energy, reduce electricity use and if possible incorporate renewable energy.
(✓)	( )	Consider choosing ENERGY STAR appliances.

Heating and Cooling Considerations

<u>Applicant</u>	<u>Reviewed</u>	<u>Item</u>
(✓)	NA	Consider Increasing amount of insulation by using 2 x 6 studs.
(✓)	NA	Consider installation programmable thermostats and attic fans to regulate heating and cooling.
(✓)	( )	Consider installation heat pumps to transfer energy heat and cold.
(✓)	NA	Consider use high efficiency boilers/furnaces.
(✓)	NA	Consider use light color roofing materials to limit heat absorbed by dark colored roofs. Consider tile or metal roofs.
(✓)	NA	Consider use roofing material with a solar reflectance index (SRI) equal or greater than 78 for low roofs and 29 for steep-sloped roofs.

Water Usage Considerations

<u>Applicant</u>	<u>Reviewed</u>	<u>Item</u>
(✓)	NA	Consider use of low-flow shower heads.
(✓)	NA	Consider installing dual-flush toilets.
(✓)	NA	<p>If there are any other sustainable building practices not mentioned before, that will be used in this project, please describe:</p> <hr/> <hr/> <hr/> <hr/>



# LIST OF PROPERTY OWNERS TO BE SERVED NOTICE TOWNSHIP OF BERKELEY HEIGHTS

29 PARK AVENUE  
BERKELEY HEIGHTS, NEW JERSEY 07922



PHONE: (908) 464-2700  
FAX: (908) 464-8150

The following property owners shall be notified at least 10 days prior to the date set for hearing. The applicant shall clearly indicate the type of service, i.e., P.S. (Personal Service) or R.M.S. (Registered Mail Service) used to notify each owner. See instruction for method of service and filing of affidavit.

Application No.: ZA-20-171 Date Requested: May 20, 2020

Block: 1602 Lot(s): 9 Address: 47 CROMWELL COURT

<u>Block</u>	<u>Lot</u>	<u>Owner</u>	<u>Address</u>	<u>Service</u>
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SEE ATTACHED LIST

I certify that the above is an accurate and complete list of property owners and addresses as prepared from the most recent tax lists. The owners must be given notice pursuant to NJSA 40:55D-12.

Date: 05/20/2020 Robert M. Edgar  
Tax Assessor

I certify that no taxes, or assessments for local improvements, are due or delinquent on the subject property.

Date: 5-20-2020 Rachelle L. Schizzo  
Tax Collector



OWNER & ADDRESS REPORT

BERKELEY HEIGHTS

05/20/20 Page 1

CERTIFIED 200' LIST FOR BLOCK: 1602 LOT: 9  
47 CROMWELL COURT

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
1601	7		2	FINSEN, JENS T. & MARKEY, J.M. 66 CROMWELL COURT BERKELEY HEIGHTS, NJ 07922	66 CROMWELL CT	
1601	8		2	LITTLE BEAR BUILDERS LLC 2535 SOUTH AVE GARFIELD, NJ 07027	60 CROMWELL CT	
1601	9		2	RIGEL, DEAN F 54 CROMWELL COURT BERKELEY HEIGHTS, NJ 07922	54 CROMWELL CT	
1601	10		2	MONTAVON, ROBERT & ALINE 46 CROMWELL CT BERKELEY HEIGHTS, NJ 07922	46 CROMWELL CT	
1601	11		2	BUTKERAIT, PAUL 40 CROMWELL COURT BERKELEY HEIGHTS, N J 07922	40 CROMWELL CT	
1601	12		2	MISIASZEK, SCOTT P & DANIELLE S 9 YORK PLACE BERKELEY HEIGHTS, NJ 07922	9 YORK PLACE	
1601	16		2	LE-ROY, PATRICK V & MONICA A 26 CROMWELL COURT BERKELEY HEIGHTS, N J 07922	26 CROMWELL CT	
1602	6		2	MULKERN, JAMES P & ROSEANN 67 CROMWELL CT BERKELEY HEIGHTS, NJ 07922	67 CROMWELL CT	
1602	7		2	SCHROEDER, LOREN D. & KRISTY 61 CROMWELL COURT BERKELEY HEIGHTS, N J 07922	61 CROMWELL CT	
1602	8		2	STUART, JEFFREY T & RACHEL LEITNER 53 CROMWELL CT BERKELEY HEIGHTS, NJ 07922	53 CROMWELL CT	
1602	10		2	COHEN, BARRY & NORMA 39 CROMWELL COURT BERKELEY HEIGHTS, NJ 07922	39 CROMWELL CT	
1602	11		2	MUSTER, BARRY 31 CROMWELL COURT BERKELEY HEIGHTS, NJ 07922	31 CROMWELL CT	
1602	12		2	CHOUBEY, SHWETA V & VIVEK K 23 CROMWELL CT BERKELEY HEIGHTS, NJ 07922	23 CROMWELL CT	
1602	15		15C	TOWNSHIP OF BERKELEY HEIGHTS 29 PARK AVENUE BERKELEY HEIGHTS, N J 07922	PARK-CHAUCER	
1602	18		2	VERDINO, JASON & STEPHANIE 14 BROOK ST BERKELEY HEIGHTS, NJ 07922	14 BROOK ST	
1602	19		2	STINER, JON A & CLABBY, KATHLEEN 20 BROOK STREET BERKELEY HEIGHTS, N J 07922	20 BROOK ST	
1602	20		2	ARMINIO, CHRISTOPHER & ARMINIO, JOSEP 26 BROOK ST BERKELEY HEIGHTS, NJ 07922	26 BROOK ST	
1602	21		2	HANSTEIN, BETTE 32 BROOK STREET BERKELEY HEIGHTS, NJ 07922	32 BROOK ST	
1602	22		2	PEYTON, EDWARD H. & PEYTON, RITA 38 BROOK STREET BERKELEY HEIGHTS, N J 07922	38 BROOK ST	

OWNER & ADDRESS REPORT

BERKELEY HEIGHTS

05/20/20 Page 2

CERTIFIED 200' LIST FOR BLOCK: 1602 LOT: 9  
47 CROMWELL COURT

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
1602	23		2	VILLAFANE, SERGIO MARTIN & AMY 44 BROOK ST BERKELEY HEIGHTS, NJ 07922	44 BROOK ST	

200' radius map (47 Cromwell Court)

for  
block 1602 lot 9

